



CASE 4-20039B

UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

NICO CERLETTI

APPLICATION NO: 09/316,724

FILED: MAY 21, 1999

FOR: NEW PROCESS FOR THE PRODUCTION OF BIOLOGICALLY
ACTIVE PROTEIN

Art Unit: 1643

Examiner: D. Romeo

Assistant Commissioner for Patents
Washington, D.C. 20231

TERMINAL DISCLAIMER

Sir:

Novartis Corporation (previously Ciba-Geigy Corporation), a New Jersey corporation, having a place of business at 564-Morris-Ave, Summit NJ 07901, represents that it is the assignee and owner of the entire interest in the above-identified application by virtue of an assignment which is being transmitted for recordation in the United States Patent and Trademark Office concurrently herewith. A copy is attached hereto.

Novartis Corporation hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending **Application No. 09/123,233** filed July 28, 1998, now issued as **US Patent 6,057,430**, on May 2, 2000. Said Application No. 09/123,233 is also assigned to Novartis Corporation by virtue of an assignment recorded to the same assignee.

Novartis Corporation hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that it and any patent granted on Application No. 09/123,233 are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

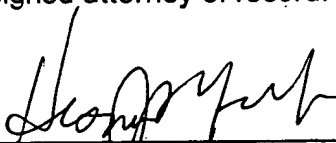
In making the above disclaimer, Novartis Corporation does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of

the full statutory term as defined in 35 USC §154-156 and §173 of any patent granted on Application No. 09/123,233, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.

Signed this 17 day of January, 2001 by the undersigned attorney of record.

Novartis Corporation
Patent and Trademark Dept.
564 Morris Avenue
Summit, NJ 07901-1027
(908) 522-6940

A handwritten signature in black ink, appearing to read 'Hesna J. Pfeiffer', is written over a horizontal line.

Hesna J. Pfeiffer
Attorney for Applicant
Reg. No. 22,640